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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,542	04/07/2001	Shane A. Bryan	10001140811	5682
22879	7590	03/09/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			WALLERSON, MARK E	
		ART UNIT	PAPER NUMBER	
		2626		

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/762,542	BRYAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark E. Wallerson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,6-20,22,23 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,6-20,22,23 and 25-34 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

### **Part III DETAILED ACTION**

#### *Notice to Applicant(s)*

1. This action is responsive to the following communications: amendment filed on **10/25/04**.
2. This application has been reconsidered. Claims 1, 6-20, 22, 23, and 25-34 are pending.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-20, 22, 23, and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrel et al (Ferrel) (U.S. 5,860,073) in view of Park (U.S. 5,717,974).

With respect to claims 1, 8, 9, 11, 12, 16, 27, and 34, Ferrel discloses receiving information from a producer to update a publication profile (column 9, lines 28-36); selecting content objects received from content providers based on the publication profile (column 8, line 56 to column 9, line 36), and generating a publication utilizing a subset of the objects (column 8, line 56 to column 9, line 62).

Ferrel differs from claims 1, 8, 12, and 27 in that although he discloses inserting advertisements on the publications (column 16, lines 9-13, column 18, lines 11-26 and column 20, lines 43-50), he does not clearly disclose initiating delivery of a product subsidy when the user has printed a predetermined number of publications.

Park discloses a means for replacing consumable in a printer based on the number of sheets that have been printed (the abstract and column 3, lines 50-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ferrel to initiate delivery of a product subsidy when the user has printed a predetermined number of publications. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Ferrel by the teaching of Park in order to ensure continuous high quality printing as disclosed by Park in column 1, lines 23-24).

With respect to claims 13, 14, 15, 16, 18, 19, 20, 22, 23, 26, 28, 29, 30, 31, 32, and 33, Ferrel discloses editing the publication (column 3, lines 54-67 and column 10, lines 29-47).

With respect to claims 6 and 7, Ferrel discloses distributing the publication to subscribers (customers) (column 9, line 63 to column 4, line 10) and initiating a financial transaction (column 11, lines 61-67).

With respect to claim 10, Ferrel discloses the content objects are selected on a periodic basis (column 9, lines 28-36).

With respect to claim 17, Ferrel discloses the producer is software agent executing on a remote system (figure 1).

With regard to claim 25, Ferrel discloses plural publications (column 9, lines 10-27).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark E. Wallerson whose telephone number is (703) 305-8581. The examiner can normally be reached on Monday-Friday - 6:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark E. Wallerson  
Primary Examiner  
Art Unit 2626

MARK WALLERSON  
PRIMARY EXAMINER